

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE KURIAN JOSEPH

WEDNESDAY, THE 6TH JUNE 2007 / 16TH JYAISHTA 1929

OP.No. 2219 of 1997(L)

PETITIONER:

**M.P.CHINNAPPAN, SON OF PAILY,
MANAKKIL HOUSE, MADAPLATHURUTHU,
MOOTHAKUNNAM VILLAGE,
N.PARAVUR TALUK**

**BY ADV. SRI.P.N.RAMAKRISHNAN NAIR
SRI.P.VISWANATHAN**

RESPONDENTS:

- 1. THE STATE OF KERALA, REP.BY THE CHIEF
SECRETARY TO THE GOVERNMENT OF KERALA,
THIRUVANANTHAPURAM.**
- 2. THE TAHSILDAR, N.PARAVUR.**

**BY GOVERNMENT PLEADER SMT.K.RDEEPA
SRI.GEORGE C.P.THARAKAN**

**THIS ORIGINAL PETITION HAVING BEEN FINALLY HEARD
ON 06/06/2007, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

ORDER ON CMP. NO.3919/1997 IN OP. NO.2219/1997

DISMISSED

06.06.2007

SD/- KURIAN JOSEPH, JUDGE

APPENDIX

PETITIONER'S EXHIBITS

EXT.P1:- COPY OF THE NOTICE OF AUCTION DT. 8.3.96.

EXT.P2:- COPY OF THE PROCEEDINGS OF 2ND RESPONDENT DT. 6.4.96.

EXT.P3:- COPY OF THE AGREEMENT DT. 16.4.96.

EXT.P4- COPY OF THE PERMIT DT. 27.7.96.

EXT.P5:- COPY OF THE REPRESENTATION DT. 29.10.96 SUBMITTED BY THE PETITIONER.

Ext.p6:- COPY OF THE REPORT OF VILLAGE OFFICER, CHENNAMANGALAM, DT.29.10.96.

EXT.P7:- COPY OF THE ORDER DT. 25.11.96 ISSUED BY THE 2ND RESPONDENT.

EXT.P8:- COPY OF THE NOTICE DT. 22.1.97 ISSUED BY THE 2ND RESPONDENT.

/TRUE COPY/

tss

KURIAN JOSEPH, J.

O.P. NO. 2219 OF 1997

Dated this the 6th day of June, 2007.

J U D G M E N T

Petitioner approached this Court aggrieved by Exhibit P8 revenue recovery notice pursuant to Exhibit P2 proceedings of the Tahsildar. The recovery is for amounts alleged due by way of damages on account of the non performance of a contract for collection of lime-shell. In the same matter for realisation of periodical payments due pursuant to the auction for extraction of the lime-shell, it is seen that the petitioner had pursued a claim for damages before the Additional Sub Court, North Paravur in O.S. No. 248/1998. The suit has been decreed by judgment dated 05.12.2001.

2. It is submitted that the decree has become final since there is no appeal. In view of the intervening developments as above, this original petition is allowed and the impugned proceedings are quashed.

KURIAN JOSEPH, JUDGE.

smp